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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/068,866	10/23/1998	KATSUAKIRA MORIWAKE	450108-4484	2773

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EXAMINER
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CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/068,866

**Applicant(s)**

MORIWAKE ET AL.

**Examiner**

Truc T Chuong

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 149-152 and 159-163 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 149-152 and 159-163 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. This communication is responsive to Amendment, filed 12/13/04.
2. Claims 149-152, and 159-163 are pending in this application. Claims 162-163 are independent claims. In the Amendment, claims 149, and 159-163 are amended, and claims 144, 146-147, 154, 156, and 158 are cancelled. This action is made final.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 149-152, and 159-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingler et al. (U.S. Patent No. 5,682,326).

As to claim 162, Klingler teaches an editing system comprising:

A database for registering information for each of a plurality of clips (database and storage memory, e.g., col. 1 lines 60-63 and col. 2 lines 30-35);

a plurality of modules (displaying one or more movie-editing windows, e.g., col. 3 lines 13-15, col. 6 lines 1-4, figs. 3, 5, 10, and 11) for selectively performing one or more of editing, composing, and special effects processing on a plurality of clips (display all selected clips with special effects, e.g., col. 3 lines 15-30, col. 8 lines 19-30, col. 9 lines 7-24, and figs. 6 & 10) to produce a first resultant clip (resultant clip, e.g., col. 3 lines 1-12), said modules being operable

Art Unit: 2179

to perform processing on said first resultant clip to produce a second resultant clip (creating the resultant clip, col. 3 lines 9-13, and the oriental clips and the modified clips storing as digital forms which can be stored and recovered to both play back the digital movie, and recover the necessary information required to reassemble the stored media from the source media from which it was created; therefore, the modified/resultant clips can be recreated for further modification, e.g., col. 2 lines 16-21);

said plurality of clips, a composite module for performing said editing processing of said plurality of clips, a composite module for performing said special effects processing of said clips; display means for displaying a graphical user interface respectively representing said edit module, said composite module, and said special effect module on a display (figs. 4, 5, 7, 10 and 12 show the edit module (e.g., fig. 10), the composite module (e.g., figs. 4, 5, and 12), and the special effect module (e.g., fig. 10) display on the screen (the claim language only shows that modules displayed on a display NOT simultaneously displayed on the same window; therefore, Klingler still reads on the claim language));

said display means for further displaying a table of horizontally aligned rows and vertically aligned columns (fig. 4), said table including at least textual indicia identifying said plurality of clips as being material clips or resultant clips (although, Klingler clearly teaches the clips are preferably defined by a clip identifier, Tape ID, etc. (e.g., col. 6 lines 38-46, col. 7 lines 10-36, and fig. 4), Klingler does not clearly show that the IDs identifying whether the clips are material clips or resultant clips. It is well known and obvious to have the IDs with specifically defined IDs/names/codes to improve visualization to help the editors distinguish which clips are modified or kept as original/unchanged during editing) including those clips subjected to said

Art Unit: 2179

processing to produce said first resultant clip (One window displays some or all of selected clips of a movie-in-process, col. 3 lines 13-30, and fig. 4), and said indicia indicating the modules used to process said clips (The clips are preferably defined by a clip identifier, ID, and comments, (e.g., col. 6 lines 38-46, col. 7 lines 10-36, and fig. 4), from the comment column of fig. 4, it is well known and would have been obvious for the editor to use the comments to specify the related description/information of the process in making/editing movies including locations, methods, date, notes, and what editing system had been used to produce the modified (resultant) clips, etc. This commenting purposes will ease the editor in future of retrieving/viewing/editing), said table further identifying the second resultant clip produced as a result of processing performed on said first resultant clip (recreating the resultant clip from the “first” resultant clip or any source clips, e.g., col. 3 lines 1-12, and this feature must be shown in Klingler’ video editing system because the resultant clip or others can be stored for further editing or viewing, col. 2 lines 16-21), and indicating the type of processing performed thereon, said table further indicating duration (This information typically includes the clip name, clip duration, in and out points, the number and type of tracks comprising the clip, comments, status and tape I.D., e.g., col. 7 lines 22-36, and fig. 4) of said plurality of clips and having an enable/disable flag for each of said plurality of clips (Klingler shows the status of clips typically indicates whether the clip is a reference to source media that is still on videotape, or to media that has been digitized and stored on disk (col. 7 lines 30-36, and fig. 4) means “On disk” status is enable and “Not” is disable).

As to claim 163, this is a method claim of system claim 162. Note the rejection of claim 162 above.

As to claim 149, Klingler teaches the editing system according to claim 162, further comprising control means for controlling said plurality of modules based on said information registered in said database (the resultant clip or others can be stored for further editing or viewing, e.g., col. 2 lines 16-21, and col. 6 lines 38-52).

As to claim 150, Klingler teaches the editing system according to claim 149, wherein said control means updates content of a first resultant clip registered in the database, and updates content of resultant clips produced from said first resultant clip (clip can be removed from the video track and another inserted, e.g., col. 4 lines 13-15).

As to claims 151 and 152, Klingler teaches the editing system according to claim 149, wherein said control means overwrites content of a first resultant clip registered in the database with content of a new resultant clip, and updates content of resultant clips produced from said first resultant clip (Klingler inherently teaches the control of overwriting the resultant clip because the data structure and others information including source clips and the resultant clip(s) are stored in the database for both play-back and editing the digital movie/data, and recover the necessary information required to reassemble the stored media from the source media from which it was created (e.g., col. 2 lines 16-21), and based on Klingler's editing system, any of the data storing in Klingler's editing system can be considered to be edited including all editing features such as replacing, renaming, deleting, modifying or reediting the above data).

As to claims 159-161, they are method claims of system claims 150-152. Note the rejections of claims 150-152 above respectively.

*Response to Arguments*

5. Applicant's arguments filed 12/13/04 have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees for the following reason:

a. Examiner does not provide that it would have been obvious the use Klingler comments to meet the present invention's indicia limitations.

Examiner believes inputting comments/notes/special ids for any object such as a video file, document, image, etc. is well known and would have been obvious for a person with ordinary skill in the art to do so. The user usually use the comments to specify the related description/information of the process in making/editing movies/files/documents including locations, methods, date, notes, and what editing system had been used to produce the modified (resultant) clips or other objects. This commenting purposes will ease the editor to recognize the files in future of retrieving/viewing/editing. Moreover, the claim language does not show that the comment or indicia is automatically generated as stated in the argument.

b. Klingler does not provide the operations are group in to modules such as: an edit module, composite module, and special effect module.

Klinger shows (figs. 4, 5, 7, 10 and 12) the edit module (e.g., fig. 10), the composite module (e.g., figs. 4, 5, and 12), and the special effect module (e.g., fig. 10) display on the screen (the claim language only shows that modules displayed on a display NOT simultaneously displayed on the same window; therefore, Klingler still reads on the claim language.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Foreman et al. (U.S. Patent No. 6,628,303 B1) teach resultant clips, editing system, database, and storyboard for capturing/editing the clips (cols. 1-17, and figs. 5-14).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

04/17/05

  
BA HUYNH  
PRIMARY EXAMINER